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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,720	05/23/2000	John J. Burns	FEL-001P	3128

7590

08/06/2002

J M Robertson  
233 South Pine Street  
Spartanburg, SC 29302

EXAMINER

PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-6

# Office Action Summary

Application No.

09/576,720

Applicant(s)

JOHN J. BURNS ET AL

Examiner

Christopher C. Pratt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments and accompanying remarks filed 6/13/02 have been entered and carefully considered. Applicant's amendment is not found to patently distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 6-10, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Brooks et al (3683921), as set forth in the previous action.

Applicant has amended the independent claims to include the limitation that the adhesive is disposed in a "layered sandwich" relation between the two nonwoven layers. Applicant argues that Brooks only teaches impregnating or coating the adhesive. It is the examiner's position that Brooks discloses disposing an adhesive in a layered sandwich relation. Brooks repeatedly states that the nonwoven webs are "laminated" together (col. 3, lines 2-4; col. 6, lines 50-55). The adhesive is therefore "sandwiched" between the layers. Brooks also teaches that the lamination can be accomplished by coating adhesive between the layers (col. 7, lines 54-65). When the adhesive is coated it forms a layer between the nonwoven layers. Brooks anticipates all

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elements of applicant's newly amended claims and said rejection is maintained from the last action.

4. Claims 1, 5, 8-9, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Stein et al (6287407), as set forth in the previous action.

Applicant argues that Stein's needling process does not result in interlayer entanglement. It is the examiner's position that the webs of Stein do have substantial interlayer entanglement. The purpose of needling is to attach two nonwoven layers together. This attachment is obtained by entangling the fibers of different layers. Stein specifically states that the webs are structured "together" by needling (col. 3, lines 51-54). Stein also states that the fibers are barbed (col. 3, lines 31-34). Barbed needles catch fibers and pull push fibers into other layers. Also, figure 1 shows nonwoven layer "1" extending through nonwoven layer "2." Said rejection is maintained from the last action.

***Claim Rejections - 35 USC § 103***

5. Claims 2-4, 13, 15-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al (3683921).

Applicant's response depends on the argument set forth above. Accordingly this rejection is maintained from the last action for the reasons set forth above.

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6. Claims 2-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al (6287407).

Applicant's response depends on the argument set forth above. Accordingly this rejection is maintained from the last action for the reasons set forth above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher C. Pratt  
August 1, 2002



CHERYL A. JUSKA  
PRIMARY EXAMINER